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# METIS SETTLEMENTS LAND REGISTRY

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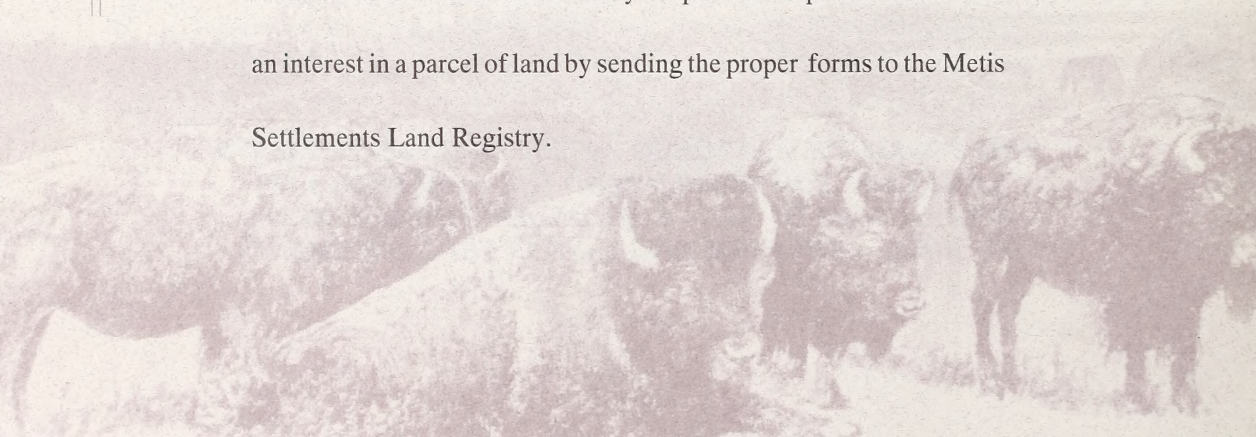
*THIS BOOKLET IS A SUMMARY OF THE METIS SETTLEMENTS LAND LAW. YOU SHOULD READ THE LAND POLICY OR REGULATIONS TO GET A FULL UNDERSTANDING OF ALL THE RULES ABOUT HOLDING LAND IN THE SETTLEMENTS.*

# INTRODUCTION

On November 1, 1990, new Metis settlements legislation came into effect in Alberta. It set outs a new and more clear-cut land holding system for the settlements. In this new system, the underlying interest in the land is held collectively by the settlements through the General Council. Individual settlers can hold their land in a number of different ways. A Metis title is the main type of interest that members can hold. The different ways of holding land, and the rules that apply, are set out in the General Council Land Policy. A person can protect and secure an interest in a parcel of land by sending the proper forms to the Metis Settlements Land Registry.



The Metis Settlements Land Registry keeps the records and documents that show who has interests in the parcels of land in the eight settlements. An interest in land may be protected and guaranteed if it is shown in the registry.

### *PROTECTING INTERESTS*

An interest in land can be *registered* or *recorded.* A *registered* interest is a confirmed legal interest. The interest is secure and the owner is protected from losing the interest. An interest may be *recorded* when a person does not have the documents needed to prove ownership. Some types of interests may only be recorded. Recording an interest can protect it against other interests that are recorded at a later date.

### *ASSURANCE FUND*

If a person loses an interest in land because of a mistake in the land registry, the person can be compensated for the loss. The money would be paid from the assurance fund. This fund is made up of the fees paid to record or register an interest.

## *How does the Land Registry work ?*

When you get an interest in land from the settlement council or another member, you can have the interest registered by sending the proper forms to the Metis Settlements Land Registry. The settlement office can help you fill out these forms. Information about your interest will be entered on a computer. Each settlement will have a copy of this information on their computer.

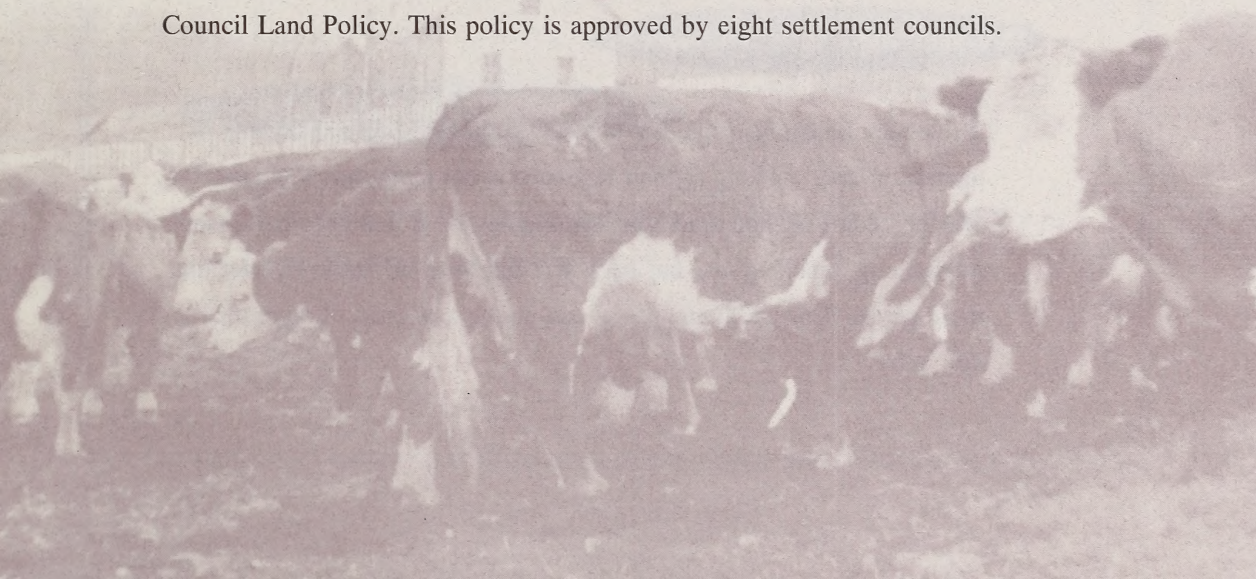
The Metis Settlements Land Registry is operated by the provincial government as a service to the settlements. The operation of the registry is governed by the Metis Settlements Land Registry Regulation. The head of the registry, the Registrar, does not make decisions about who may get an interest in land. The Registrar only decides if the documents are proper to record or register an interest.

## *What is a member held interest ?*

A person has an *interest* in a piece of land if they have some rights to use that land. Some examples of the rights to use land are:

- the right to farm and make improvements to the land,
- the right to give the land to a child, and
- the right to give someone else a right to use the land for a short term.

Some of the main types of interests are *Metis title, provisional Metis title , allotment* and *leases*. The rights that go with different interests are set out in the General Council Land Policy. This policy is approved by eight settlement councils.



## *Who can hold a Metis title?*

Only settlement members and the settlement can hold a Metis title. At first, the settlement will hold the Metis title for every parcel of land, except where a member had a Certificate of Occupancy.

## *How do I get a Metis title?*

The settlement can transfer Metis titles to the members who hold land or who apply for a parcel of land. A member can only get a Metis title for improved land that is used for a home, farm, ranch, or business.

## *How many Metis titles can I have?*

If you are a member, you can have the Metis titles for any number of parcels of land - as long as their total area is not more than 175 acres and they don't include more than one hamlet lot. If you need more land for farming, ranching or a business, you can have the Metis title for one more parcel. This additional parcel can not have an area of more than 167 acres.

## *What can I do with my Metis Title?*

- You can live on the land.
- You can use and make improvements to the land.
- You can transfer the Metis title to another member or the settlement.
- You can give someone else the right to use the land.
- You can decide who will get your Metis title when you die.

## *Are roads part of a Metis title?*

The Metis title does not include the area of land in a road right of way, a road allowance, lake or river.

## *What if I already have land?*

If you hold a parcel of land under the old Act, you need to apply to the settlement office for one of the new kinds of interests in land. This **MUST** be done by June 30,1995. You can apply for a Metis title, provisional Metis title, allotment or any other interest created by the Land Policy.

All of the lands held by confirmed members on November 1, 1990 will be recorded in the Metis Settlements Land Registry. These allocation will be protected until June 30, 1995. If you have an allocation of land that is not shown in the registry, you should talk to the settlement council.

If you received an allocation after November 1, 1990, you can record your interest by asking the settlement to send the documents to the Registrar. However, this is only a temporary interest. You must ask the settlement to give you one of the new types of interest before June 30, 1995.

If you and another member or members have allocation in the same quarter section, a plan of your land must be prepared. The plan will show the location and boundaries of your area of land. If you and the other members agree to the plan, you may apply to council for one of the new land interests.

## *What is dower?*

Dower means the rights a member's wife or husband have to the parcel of land where the family home is located. This land is called the homestead. Dower rights are set out in the *Dower Act.* Under the terms of the Act a member cannot lease, transfer, or abandon the homestead, without the written consent of his or her spouse.

If the member dies, his or her spouse may choose to get a life interest in the homestead. The spouse can use and live on the land until she or he dies. If the member willed the land to someone else, that person cannot get an interest in the land until the spouse dies or gives up the life interest.

## *Can I give away a portion of my land?*

You can give part of your land to another settlement member, but you must first get permission to split the parcel of land. This splitting of a parcel is called a *subdivision*.

The *Subdivision Approving Authority* reviews and approves subdivision applications. The Authority will decide if a subdivision is a good use of the land and if it conforms to the settlement's land use by-law. The decision of the Authority may be appealed to the Metis Settlements Appeal Tribunal.

When a subdivision has been approved, the Registrar can make a Metis title for each new parcel of land. The member or the settlement must send the approved subdivision plan to the Registrar.

A lease of only part of a parcel of land for longer than 3 years must be approved by the Subdivision Approving Authority. This type of lease cannot be registered until it is approved by the Authority.

## *Can the settlement council take away my land ?*

You can only lose your interest in a parcel of land under certain conditions. This could happen if you failed to pay your levies or make proper use of the land. If that happens and the council wants to cancel your interest, they must send you a notice. The notice must tell you the time and date of the meeting where a final decision will be made. You have a right to appeal the council's decision to the Metis Settlements Appeal Tribunal.

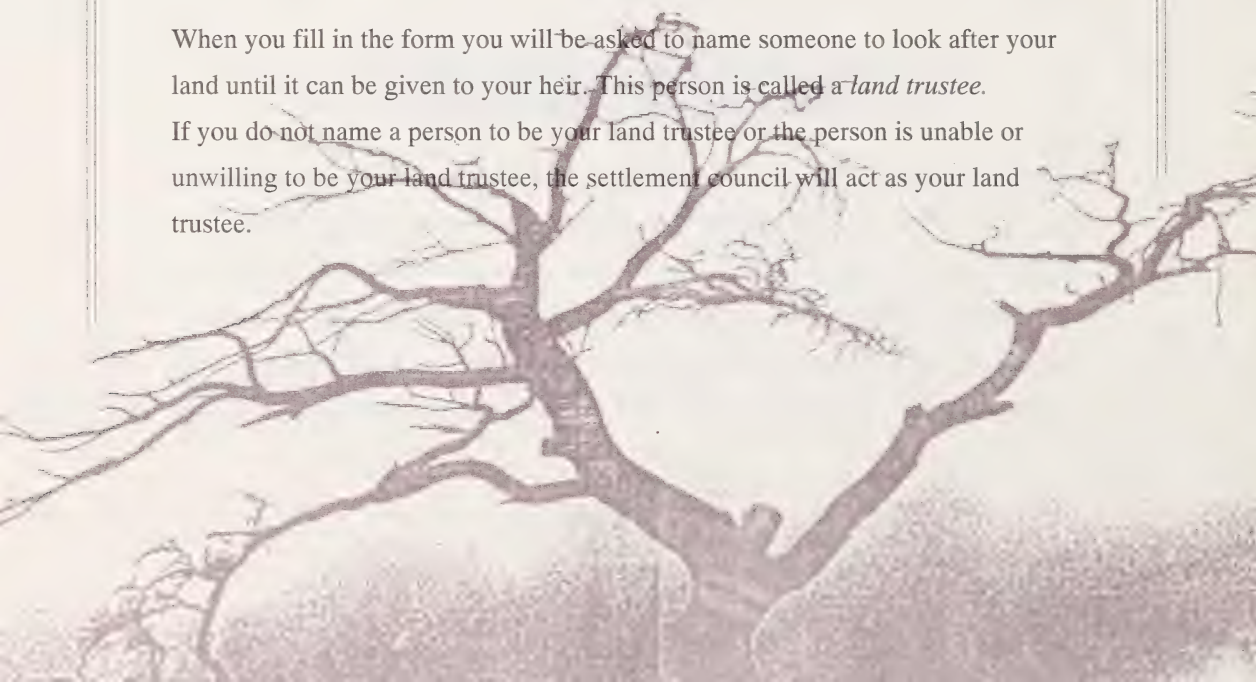
## *What can I do if I don't agree with the council's decision ?*

A person who applies for an interest in land or a person who is affected by the granting of an interest in land may appeal the matter to the *Metis Settlements Appeal Tribunal.* A copy of the appeal form must be sent to the Metis Settlements Land Registry. The recording of the appeal in the Land Registry will warn others that the interest is subject to a Tribunal decision. The proper appeal forms may be obtained from the Settlement office, the Land Registry or the Appeal Tribunal.

## *What happens to my land if I die ?*

You can decide who should inherit your land. That person must be a member or someone who can become a member. You can name your heir on an *Estate Instruction* form and send it to the Metis Settlements Land Registry. The Estate Instruction form will be kept private and only you can look at it. You can change your instructions at any time by sending a new form to the Metis Settlements Land Registry.

When you fill in the form you will be asked to name someone to look after your land until it can be given to your heir. This person is called a *land trustee.* If you do not name a person to be your land trustee or the person is unable or unwilling to be your land trustee, the settlement council will act as your land trustee.



## *What about oil and gas leases ?*

Before November 1,1990, an oil or gas company had to get a Right of Entry Order from the Surface Rights Board before they could drill a well or build a road or pipeline in a settlement. A company can now sign a lease agreement with the settlement and the members who own an interest in the affected lands.

If a company cannot make a deal with the settlement and the affected members, the company can ask the Metis Settlements Appeal Tribunal for a Right of Entry Order. A special group of tribunal members will hold a public hearing. This group is called the *Existing Leases Land Access Panel* or *Land Access Panel*. The Panel will make a decision and issue a compensation order.

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